

OFFICIAL COPY

Fresno, California

August 27, 2002

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chambers, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Brad Castillo	Acting Council President
	Jerry Duncan	Councilmember
	Sal Quintero	Councilmember
	Dan Ronquillo	Councilmember
	Henry Perea	Council President

Dan Hobbs, City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Reverend Sharon Stanley, Fresno Inter-Denominational Refugee Ministries, gave the invocation, and Margie Wright led the Pledge of Allegiance to the Flag.

PROCLAMATION OF MARGIE WRIGHT DAY - COUNCILMEMBER QUINTERO

PROCLAMATION OF TRIPLE X FRATERNITY - HOST OF STATE CONVENTION IN FRESNO - COUNCILMEMBER BOYAJIAN

RESOLUTION OF COMMENDATION TO DEBBIE REYES, CHAIRMAN, HUMAN RELATIONS COMMISSION ETHNIC FESTIVAL SERIES - COUNCILMEMBER DUNCAN

The above proclamations and resolution were read and presented.

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Councilmember Calhoun challenged Council members to run or walk at the Cross City Race on September 7th.

APPROVE MINUTES OF AUGUST 20, 2002

On motion of Councilmember Calhoun, seconded by Councilmember Quintero, duly carried, RESOLVED, the minutes August 20, 2002, approved as submitted.

Gloria Torrez made the following requests on issues from the July 30, 2002, Council meeting:

1. Page 140-54/55, Item 5-A, relating to Park and Ride, requested in writing specifics of the item, i.e., where funding was coming from, number of buses involved, time frames, etc.

2. Page 140-56, Item 5-H, relating to roll-over of unexpended Council district funds from FY 2002, requested in writing an itemized list of all department carry over funds and where they will be transferred to, and questioned where the \$1.5 million in utility savings went to.

Ms. Torrez also expressed concern that she had to pay \$17.75 for a Council packet when she had not been charged before, advised she was told the cost was \$75.00, and stated citizens had a right to the information at no charge.

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APPROVE AGENDA:

(3:30 P.M.) REVIEW INITIAL REPORT PREPARED BY THE INTERAGENCY TASK FORCE RELATING TO THE DEVELOPMENT OF A MASTER PLANNED COMMUNITY, INCLUDING AFFORDABLE HOUSING AND RECREATIONAL FACILITIES IN THE SOUTHWEST AREA (DISTRICT 3) - COUNCILMEMBER BOYAJIAN
1. APPROVE THE RELATED EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF FRESNO AND CYPRESS INVESTMENT CORPORATION

Councilmember Boyajian stated Councilmember Ronquillo's name should have been associated with the item as it was his district whereupon Councilmember Ronquillo's name was added along with Councilmember Boyajian's.

(5-A) RESOLUTION - SUPPORTING THE FUTURE PLANNING OBJECTIVES RELATING TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - COUNCILMEMBER DUNCAN

Set for 11:15 a.m. this date at the request of Councilmember Duncan.

(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-005 AND REZONING APPLICATION NO. R-02-006, FILED BY MARGARET JENSEN, 10 ACRES LOCATED ON THE NORTHWEST CORNER OF N. WEST AND W. HERNDON AVENUES, LOCATED IN DISTRICT 2 (REQUEST BY APPLICANT TO CONTINUE TO 2:00 P.M.)

Councilmember Calhoun stated he was confused with the request to continue to 2:00 p.m. as he had not been notified by the applicant, stated he had a problem with the process and questioned who made these types of decisions, and stated he supported hearing the matter as scheduled, with City Clerk Klisch, City Attorney Montoy, Councilmember Ronquillo and District 3 Assistant Cox responding. By Council consensus the hearing to be held at 10:45 a.m. as scheduled and continued to 2:00 p.m. if necessary.

(5-B) DISCUSSION AND DIRECTION REGARDING THE POLICE DEPARTMENT'S ROLE IN THE PARKS AND RECREATION DEPARTMENT - COUNCILMEMBER CALHOUN

Set for 3:15 p.m. this date at the request of Councilmember Calhoun for citizen convenience.

DIRECT STAFF TO SCHEDULE ON THE SEPTEMBER 17, 2002, AGENDA: "DISCUSSION ON UNIVERSITY OF CALIFORNIA (UC) PRESENCE DOWNTOWN" - COUNCILMEMBER CALHOUN

Direction made and the matter was set for September 17th at 3:30 p.m.

DIRECT STAFF TO SCHEDULE ON THE SEPTEMBER 24, 2002, AGENDA: "DISCUSSION ON CURRENT CONTRACT ADMINISTRATION OF SOCIAL SERVICE FUNDS" - COUNCILMEMBER CALHOUN

Direction made with Councilmember Calhoun advising he will suggest the Finance Department as the appropriate area.

REQUEST CODE ENFORCEMENT TO FOLLOW-UP AND ISSUE CITATIONS ON ILLEGAL SIGNS POSTED CITY-WIDE BY Q-97 - COUNCILMEMBER QUINTERO

Request made with City Manager Hobbs stating staff would look into the issue

REQUEST STAFF TO LOOK INTO METAL TRASH BIN PLACED IN THE STREET ON THE 4600 BLOCK OF KINGS CANYON BY A BUSINESS - COUNCILMEMBER QUINTERO

Request made with Councilmember Quintero citing liability issues and the upcoming fair.

REQUEST STAFF LOOK INTO CODE ENFORCEMENT INSPECTORS/STAFF WORKING AFTER 5:00 P.M. AND ON WEEKENDS DUE TO BLIGHT AND YARD SALE PROBLEMS OCCURRING - ACTING PRESIDENT CASTILLO

Request made with City Manager Hobbs stating staff would look into the issue.

(1-L) * RESOLUTION - 396TH AMENDMENT TO MFS RES. 80-420 TO MODIFY GREEN FEES AT AIRWAYS GOLD COURSE

Removed from the agenda by staff/to be rescheduled at a future date.

DIRECT STAFF TO SCHEDULE ON THE SEPTEMBER 17, 2002, AGENDA: "RE-EXAMINE DOWNTOWN AREAS AWAY FROM THE STADIUM WHICH CAN BE MORE FLEXIBLE OR EXEMPTED FROM PARKING METERS" - COUNCILMEMBER RONQUILLO

Direction made with Councilmember Ronquillo expanding on the issue and requesting staff also report back on the total revenues received from parking citations and staff time involved. The matter was set for September 17th at 4:00 p.m.

(9:15 A.M.) DISCUSSION/ACTION REGARDING THE CITY ENGAGING IN CONSTRUCTION PROJECTS SUCH AS PARKING LOTS AND MEDIAN ISLAND CONSTRUCTION (NEIGHBORHOOD INFRASTRUCTURE PROJECTS EXEMPTED) - PRESIDENT PEREA

1. SHOULD PROJECTS BE PUT OUT FOR BID WITH CITY ALLOWED TO BID?

2. IF YES, DEVELOP BID CRITERIA WORKING IN CONJUNCTION WITH THE CONSTRUCTION INDUSTRY THAT PROVIDES A LEVEL FIELD FOR ALL BIDDERS

Laid over to September 17, 2002, **(2 - 0)** at the direction of President Perea.

SPECIAL MEETING NOTICE/9:00 A.M. ITEM RELATING TO OCJP GRANT ADVISORY COMMITTEE ADDED TO THE AGENDA BY COUNCILMEMBER QUINTERO

President Perea advised of the special meeting notice that was published adding the subject item to the agenda this date. So noted.

On motion of Acting President Castillo, seconded by Councilmember Ronquillo, duly carried, **RESOLVED**, the **AGENDA** hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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ADOPT CONSENT CALENDAR:

(1-A) RESOLUTION NO. 2002-272 - ADOPTING A POLICY AND PROCEDURES FOR STALE-DATED CITY CHECKS (UNCLAIMED MONEY)

(1-B) RESOLUTION NO. 2002-273 - CLAIMING FUNDS FOR UNCASHED CHECKS FROM 1978 TO 1997 IN THE TOTAL AMOUNT OF \$81,586.54

(1-C) RESOLUTION NO. 2002-274 - APPROVING THE SUMMARY VACATION OF PORTIONS OF “F”, MONO AND “G” STREETS

(1-D) AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF FRESNO FOR PAVING STREETS (DOOLITTLE AND McCAMPBELL DRIVES) BY THE CITY IN THE SIERRA SKY PARK AREA

Councilmember Calhoun gave a brief explanation of the issue and commended public works staff on the project and the City on the leadership role they took.

(1-E) APPROVE PROFESSIONAL SERVICES AGREEMENT WITH BOYLE ENGINEERING CORP. FOR DESIGN OF FRESNO METROPOLITAN FLOOD CONTROL DISTRICT (FMFCD) PONDING BASIN “T” RELOCATION AND EXPANSION PROJECT AT GAP DRIVE AND AIRWAYS BOULEVARD; AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-F) APPROVE SECOND AMENDMENT TO A CONSULTANT SERVICES AGREEMENT WITH QUAD KNOFF, INC., FOR THE PREPARATION OF A HISTORIC RESOURCES EVALUATION AND ADDITIONAL TRAFFIC ANALYSIS AS PART OF A FOCUSED ENVIRONMENTAL IMPACT REPORT FOR THE WIDENING OF CHESTNUT AVENUE FROM SHAW TO BULLARD AVENUES; AND AUTHORIZE THE CITY MANGER OR DESIGNEE TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-G) RESOLUTION NO. 2002-275 - APPROVING THE FINAL MAP OF TRACT NO. 4868 AND ACCEPTING DEDICATED PUBLIC USES THEREIN, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF E. TEAGUE AND N. WILLOW AVENUES

1. AUTHORIZE THE PUBLIC WORKS DIRECTOR TO EXECUTE THE SUBDIVISION AGREEMENT, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR LANDSCAPE MAINTENANCE, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR TEMPORARY STORM DRAIN FACILITIES

2. AUTHORIZE THE PLANNING AND DEVELOPMENT DIRECTOR TO EXECUTE THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT DEFERRING CERTAIN SEWER CONNECTION CHARGES, WATER CONNECTION CHARGES, URBAN GROWTH MANAGEMENT FEES AND DEVELOPMENT FEES TO THE TIME OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND CREATION OF LIEN, THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR FRONT YARD TREES, AND THE STATEMENT OF COVENANTS AFFECTING LAND DEVELOPMENT FOR RIGHT TO FARM

Councilmember Duncan advised the property owners, Farid and Darius Assemi, purchased land they did not have to which resulted in no dispute between the City and the land owner on the Sugar Pine Trail and allowed the under crossing to be built, and thanked them for their support of the trail, with President Perea concurring..

(1-H) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO A CONTACT WITH THE PEACE OFFICERS' CHAPLAINCY OF FRESNO COUNTY, INC., TO PROVIDE POLICE CHAPLAINCY SERVICES TO THE POLICE DEPARTMENT

(1-I) APPROVE THE PROPOSED SPENDING PLAN FOR THE FY 2002-2003 STATE OF CALIFORNIA SUPPLEMENTAL LAW ENFORCEMENT SERVICES FUND

(1-J) AWARD A CONTRACT TO TURBINE TECH OLOGY SERVICES OF ELK GROVE, CA, IN THE AMOUNT OF \$4,677,419 FOR THE INSTALLATION AND START-UP OF POWER GENERATION EQUIPMENT

(1-K) AWARD A CONTRACT TO GOLDEN STATE UTILITY CO. IN THE AMOUNT OF \$3,449,872.50 FOR CONSTRUCTION OF INFRASTRUCTURE FOR A TRAFFIC SIGNAL SYNCHRONIZATION SYSTEM

(1-N) * RESOLUTION NO. 2002-276 - 13TH AMENDMENT TO AAR 2002-216 TRANSFERRING REVENUES, APPROPRIATIONS AND TRANSFERS IN THE AMOUNTS OF \$582,000, \$238,000 AND \$714,000 RESPECTIVELY FOR STADIUM OPERATIONS FROM THE CAPITAL PROJECTS FUND TO THE NEWLY CREATED STADIUM ENTERPRISE FUND

(1-O) * RESOLUTION NO. 2002-277 - 1ST AMENDMENT TO SALARY RES. 2002-219 RELATING TO THE ADOPTION OF A SUCCESSOR LABOR AGREEMENT BETWEEN THE CITY AND THE INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 UNIT (LOCAL 39) TO REFLECT INCREASES APPROVED ON 8/20/02

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

CONSENT CALENDAR - BILL FOR INTRODUCTION:

(2-A) * BILL NO. B-43 - AMENDING SECTION 4-101 OF CHAPTER 4 OF THE FRESNO MUNICIPAL CODE TO BETTER REFLECT THE CITY'S BANKING REQUIREMENTS

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Bill No. B-43 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:00 A.M. #1) INTRODUCTION OF AN AGREEMENT BETWEEN THE CITY AND COUNTY OF FRESNO FOR LIMITED FUNDING OF TRAFFIC SAFETY ENFORCEMENT - COUNCILMEMBER CALHOUN

Councilmember Calhoun and Chief Dyer gave an overview of the issue and the agreement; Deputy Chief Fifield was commended for all his work and efforts; and Deputy Chief Fifield explained some details of the agreement and advised technical issues needed to be worked out and the agreement would be back to Council on September 17th for final approval.

Councilmember Duncan spoke in support of the issue stating this was a new era of cooperation between the City and the County and made a motion to approve the agreement in concept. The motion was seconded and acted upon after addition brief discussion with Councilmember Boyajian speaking in support, Controller Quinto responding to questions of Acting President Castillo relative to the amount the City contributed to the County in fines last year and when the tax sharing agreement with the County would expire, and Councilmember Ronquillo speaking in support and thanking the police department and the Board of Supervisors stating they listened and responded affirmatively.

On motion of Councilmember Duncan, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the agreement between the City and County of Fresno for limited funding of traffic safety enforcement hereby approved in concept, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:00 A.M. #2) APPROVAL FOR ADVISORY COMMITTEE TO APPLY FOR SUPPRESSION OF DRUG ABUSE IN SCHOOL GRANT APPLICATION FROM THE OCJP - COUNCILMEMBER QUINTERO

Capt. Maroney explained the timeline urgency of the issue, gave a brief overview of the grant, and responded to questions of Councilmember Quintero relative to amount of the grant, if matching funds were needed, and term of the grant. A motion and second was made to approve staff's recommendation. Capt. Maroney responded to questions of Acting President Castillo relative to who would monitor the program, if actual officers would be on campuses, if anything similar was currently being done, and if certain schools would be targeted. President Perea spoke in support stating it was a great idea but added alcohol-selling establishments near schools was still a problem.

On motion of Councilmember Quintero, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the establishment of an Advisory Committee per the OCJP grant requirements hereby approved, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(9:45 A.M.) HEARING TO CONSIDER ADOPTION OF A RESOLUTION AMENDING THE 1994 NONDISPOSAL FACILITY ELEMENT

1. RESOLUTION NO. 2002-278 - AMENDING THE CITY OF FRESNO'S NONDISPOSAL FACILITY ELEMENT, AS AMENDED

President Perea announced the time had arrived to consider the issue and opened the hearing. M.A. Weimiller reviewed the issue as contained in the staff report as submitted and along with Public Utilities Director McIntyre and Planner Brock responded to questions of Councilmember Ronquillo and/or clarified issues relative to definition of Nondisposal Facility Element (NFE), if this was State law, if sludge was a different matter, if the co-composting facility under "Proposed New Facilities" on Page 3 of Exhibit A should be taken out of the NFE, why a co-composting facility was still being included by staff after Council had already dealt with the issue, clarification that the co-compositing element would compost only sludge/green waste, staff concurring with Councilmember Ronquillo and **amending the NFE to eliminate "...sewage sludge and municipal solid waste." under "Proposed New Facilities" and replace with "green waste and food products.", Mr. McIntyre advising staff would be bringing to Council within six months a public/private partnership proposal with Foster Farms or an animal food processing company to co-compost a variety of food products as well as wastewater sludge. Councilmember Ronquillo commented additionally on the co-composting issue and expressed his concern. Upon question of President Perea Mr. McIntyre stated this action would allow flexibility for setting a transfer station in place.

Upon call, no one wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2002-278 hereby adopted, *as amended*, on Page 3 of Exhibit A **as outlined above, and the Public Utilities Director or designee authorized to submit the document to the California Integrated Waste Management Board (CIWMB) for review and approvals, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3-A) ADOPT THE ANNUAL REPORT ON THE PERFORMANCE OF CALCOT, LTD., IN COMPLYING WITH THE TERMS AND CONDITIONS OF THEIR PROJECT DEVELOPMENT AGREEMENT

Councilmember Calhoun stated he hoped HECD and EDC continue to work closely with the developers to attract businesses that are not from other areas of the city as he wanted to see new jobs, and reminded Council that staff was not even aware of the payment owed and he hoped staff would continue to be on top of the contracts and that there be no more surprises. Engineering Services Manager Kirn, Assistant Public Works Director Williamson and HECD Director Burkhardt responded to questions of Councilmembers Boyajian and Duncan and/or clarified issues relative to who monitored the contract and criteria to determine the amount owed, if staff was concerned Calcot had not performed up to the level they thought they would, what Calcot was doing that required payment from the city, specifics of the agreements, the Certificates of Occupancy not noting the businesses, if bills were submitted, if the City was getting value for their payments based on Calcot's criteria, if an analysis had been conducted, what the return was on the City's investment, if Council would be getting a report on sales tax revenues, **(3 - 0)** if there was any plan for the City and EDC to work with the developer to attract outside jobs, what staff has explored to make sites more attractive, and when a strategy would be completed. Councilmember Ronquillo spoke in support stating this was a great project and a good partnership.

By Council consensus, the report was accepted.

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(10:00 A.M.) RESOLUTION NO. 2002-279 - AUTHORIZE ACCEPTANCE OF FEDERAL FISCAL YEAR 2002 AND 2003 GRANTS OFFERED BY THE FAA FOR AIRPORT IMPROVEMENT PROJECTS AT BOTH FRESNO YOSEMITE INTERNATIONAL AND CHANDLER DOWNTOWN AIRPORTS INCLUDING AMENDMENTS THERETO; AUTHORIZING PRE-APPLICATION AND APPLICATION FOR AIP GRANTS FOR FEDERAL FISCAL YEARS 2002, 2003, 2004 AND 2005; AND AUTHORIZING EXECUTION OF DOCUMENTS

Deputy Director of Transportation Card reviewed the yearly grant process and Acoustic Program Coordinator Sheldon reviewed and gave a power point presentation on the noise mitigation program at length. Councilmember Ronquillo left the meeting at 10:19 a.m. and returned after the recess.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Staff was commended on the report and Mr. Card and Mr. Sheldon responded to questions of Acting President Castillo and Councilmember Quintero relative to the grant amounts to be received, if city funds could be used to leverage the amount received for the SMART Program, if the grant funds were for existing houses, if the funds could be used for new construction around the airport, and the number of homes left to be sound-proofed.

On motion of Acting President Castillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-279 accepting Federal Fiscal Year 2002 and 2003 FAA AIP grants for FYI and FCH when offered by the FAA including amendments thereto, consistent with Constitutional and local law requirements hereby adopted; the filing of Pre-Applications and Applications for AIP Grants for Federal Fiscal Years 2003, 2004 and 2005 authorized; and the Director or Interim Director of Transportation authorized to execute all required documents, subject to prior approval as to form by the City Attorney's Office, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Perea
Noes	:	None
Absent	:	Ronquillo

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RECESS - 10:31 A.M. - 10:38 A.M. All members were present.

(10:05 A.M.) * BILL NO. B-44 - ADDING SECTION 8-220 TO THE FRESNO MUNICIPAL CODE PROHIBITING AGGRESSIVE AND ABUSIVE SOLICITATIONS AND SOLICITATIONS IN PROHIBITED PLACES

Reviewed by City Attorney Montoy who stated the ordinance was not intended to criminalize homeless or poor people; advised her office worked extensively with the police department, the superior court, the district attorney's office and a number of community groups who deal with the homeless; and clarified the ordinance would (1) focus on aggressive and abusive behavior while soliciting, and (2) prohibit solicitation in certain limited areas where people may feel most vulnerable. Chief Dyer added the ordinance was not geared towards downtown and was not an anti-homeless measure but was meant to reduce, minimize or eliminate aggressive panhandling city-wide and also in certain areas to reduce confrontation and fear, and stated although this was not a big problem here it was important to have the ordinance in place to show aggressive soliciting would not be tolerated and to prevent aggressive soliciting from getting out of control as it has in Southern California.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; Pastor Jim Franklin, Cornerstone Church; Larry Arce, CEO, Fresno Rescue Mission; and Jim Connelly, Executive Director, Poverello House.

Chief Dyer and Deputy City Attorney Beck responded to questions of Councilmember Duncan relative to enforcement, the process after being cited, if the ordinance would apply city-wide, and if the ordinance would target only aggressive behavior **(4 - 0)** and not those simply asking for money. Councilmember Duncan spoke in support of the ordinance noting problems encountered in the River Park area, and made a motion to introduce, which motion was seconded and later acted upon.

Extensive discussion ensued with Mr. Beck, Mr. Arce, Mr. Connelly, Chief Dyer, Ms. Montoy and Capt. Nevarez clarifying issues and/or responding to questions/comments of Councilmembers Boyajian, Ronquillo, Castillo and Quintero relative to criteria and definitions (i.e. persistent, aggressive), if staff and Mr. Arce were familiar with Los Angeles' homeless program, Councilmember Ronquillo speaking in support due to the fear caused, if people on freeway on/off-ramps and median islands would be affected, if there were other places besides "vulnerable areas" where the ordinance would be enforced, if staff was addressing people who give money, why the Court/District Attorney was not dealing with the issue, how this will affect the city attorney's workload, process after citations are issued, who will

monitor/follow up on citations, Acting President Castillo stating this was a good concept but he saw a lot of procedural work that needed to be done and expressed concern with the police department's and city attorney's time being taken, and continued questions/clarification relative to panhandlers at intersections, it being unconstitutional to have an all-out ban on panhandling, and if a continual panhandler at one intersection would be deemed aggressive.

President Perea spoke in opposition to the ordinance at length and expressed his concern stating it was meaningless and unenforceable, advised laws were currently in place to deal with the issue, stated he saw this as a continual message to downtown of who and what type of face was wanted downtown, and stated he saw this as an anti-poor and anti-homeless ordinance and further elaborated **(5 - 0)**. Councilmember Ronquillo stated the Tower District was a target for aggressive panhandling and this was not an issue of the stadium and being snooty about who should come downtown. City Manager Hobbs stated this was about responsibility to the entire community, about sending a message that downtown is safe, and to state aggressive panhandling should be out of bounds.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Bill No. B-44 introduced before the Council and laid over, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Noes	:	Castillo, Perea
Absent	:	None

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(10:30 A.M. #1) HEARING TO CONSIDER TEXT AMENDMENT NO. TA-02-01 AMENDING THE TEXT OF THE FRESNO MUNICIPAL CODE RELATING TO STREAMLINING THE REZONING PROCESS AND MAKING MINOR CLARIFICATION CHANGES TO OTHER SECTIONS OF THE ZONING ORDINANCE
(REQUEST TO CONTINUE TO SEPTEMBER 24, 2002, AT 3:30 P.M.)

Continued as requested.

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(10:30 A.M. #2) HEARING ON PLAN AMENDMENT NO. A-02-009 AND REZONING APPLICATION NO. R-02-17, FILED BY JEFFREY ROBERTS ON BEHALF OF AMIR ASSEMI, PROPERTY LOCATED ALONG THE WEST SIDE OF N. FERGER SOUTH OF E. OLIVE AVENUE (1177 N. FERGER AVENUE - LOCATED IN DISTRICT 3)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-009, R-02-017, S-02-117
2. **RESOLUTION NO. 2002-280** - AMENDING THE FRESNO HIGH-ROEDING COMMUNITY PLAN
3. **BILL NO. B-45 - ORDINANCE NO. 2002-44** - AMENDING THE TOWER DISTRICT SPECIFIC PLAN TO CHANGE THE PLANNED LAND USE DESIGNATION OF THE PROPERTY
4. **BILL NO. B-46 - ORDINANCE NO. 2002-45** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-5 TO R-3/CZ

President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Beedle gave a brief overview of the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Barbara Hunt, 2475 S. Walnut; and Jeff Roberts, representing the applicant, who urged support and responded to questions of Councilmember Boyajian relative to building materials. Councilmember Boyajian spoke in support stating this was a great infill project.

Upon call, no one else wished to be heard and President Perea closed the hearing.

On motion of Councilmember Ronquillo, seconded by Councilmember Quintero, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-0209, R-02-17, S-02-117 dated July 10, 2002, hereby approved; the above entitled Resolution No. 2002-280 hereby adopted; and the above entitled Bill Nos. B-45 and B-46 adopted as Ordinance Nos. 2002-44 and 2002-45, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-005 AND REZONING APPLICATION NO. R-02-006, FILED BY MARGARET JENSEN, 10 ACRES LOCATED ON THE NORTHWEST CORNER OF N. WEST AND W. HERNDON AVENUES, LOCATED IN DISTRICT 2 (REQUEST BY APPLICANT TO CONTINUE TO 2:00 P.M.)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-005, R-02-006, C-02-034, V-0-11

2. RESOLUTION - AMENDING THE BULLARD COMMUNITY

3. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM C-P/EA/UGM TO R-1/EA/UGM/cz AND C-1/EA/UGM/cz

(CONSIDERED AGAIN LATER IN THE MEETING)

President Perea announced the time had arrived to consider the issue and opened the hearing.

Doug Jensen, on behalf of the applicant, advised the opponent, not the applicant, requested the hearing be continued to 2:00 p.m., and requested this item be the first one heard at 2:00 if continued. Councilmember Calhoun stated he wanted to accommodate anyone in the audience and noting the lateness of the hour questioned if Council wanted to start the hearing or just break for lunch and return at 2:00. Brief discussion ensued.

A representative of the shopping center across West Avenue requested the item be continued to anytime after 2:00 p.m. stating one of their consultants was not available at this time.

By Council consensus, the hearing was continued to 2:00 p.m.

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(11:00 A.M.) HEARING TO CONSIDER RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF EASEMENTS ON TWO PROPERTIES (APN 312-010-38 AND 312-430-01) FOR CONSTRUCTION OF W. FLORADORA AND N. POLK AVENUES, LOCATED IN DISTRICT 3

1. * RESOLUTION - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF TWO EASEMENTS FOR THE CONSTRUCTION OF PORTIONS OF W. FLORADORA AND N. POLK AVENUES AS A DEVELOPMENT REQUIREMENT OF UGM TRACT NO. 5051

President Perea announced the time had arrived to consider the issue and opened the hearing.

Senior Real Estate Agent Hansen advised the two property owners and the city attorney were requesting the hearing be continued. Upon question, City Attorney Montoy recommended the hearing be continued due to the property owners request, eminent domain law granting continuances, and noticing problems, and advised a 15-day period to submit written objections ended tomorrow. Brief discussion ensued on the noticing issue and the recommendation to continue. Councilmember Ronquillo spoke to the noticing and process and in support of moving forward this date stating everyone was notified.

A motion of Councilmember Calhoun, seconded by Councilmember Boyajian, to table the issue to September 24, 2002, failed, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan
Noes	:	Castillo, Quintero, Ronquillo, Perea
Absent	:	None

Speaking to the issue were: David Simonian who stated the noticing was untimely and some property owners were not notified; and Bob McCaffrey, who expressed concern and questioned what the facts were stating the city attorney's office indicated to his staff three times that the hearing had been duly noticed.

At this point in the proceedings, a recess was called to allow staff time to determine if the hearing was duly noticed. The hearing continued after the following item.

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(5-A) RESOLUTION NO. 2002-281 - SUPPORTING THE FUTURE PLANNING OBJECTIVES RELATING TO THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT - COUNCILMEMBER DUNCAN

Briefly reviewed by Councilmember Duncan who advised of his attendance at a FMFCD workshop and the resulting goals and objectives the district was now asking Council to support by resolution.

Bob Van Wyk, Interim FMFCD Manager, updated Council on FMFCD Director Harrison's illness and gave a brief overview of the subject issue.

Councilmember Duncan spoke in support stating exciting things were in the works and made a motion to adopt the resolution, which was seconded and acted upon after lengthy discussion. Councilmember Calhoun commented on the lack of a staff report and information, stated he was uncomfortable approving something without knowing the implications, and advised he would not support this as it had not gone through staff. Councilmember Boyajian suggested action be delayed and a workshop held stating more time and information was needed. Councilmember Duncan stated the resolution was an opportunity for more dialog, clarified it did not commit the Council to anything, and stated it reaffirmed the City's and the FMFCD's partnership.

Discussion continued on the need to hear staff's position on the matter, what the impact would be on water and ponding basins, if the goals and objectives were contrary to the City's policies and goals, the city manager stating he supported a workshop, Councilmember Calhoun questioning why staff was not being allowed to address the issue, why City staff was not at the workshop, if staff supported the goals and objectives, and if staff from Fresno County was at the workshop. Councilmember Calhoun stated the process was flawed and reiterated the need for a workshop, and Councilmember Ronquillo stated it was critical to be pro-active and that he also supported a workshop as soon as possible to receive additional information.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the above entitled Resolution No. 2002-281 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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(11:00 A.M.) HEARING TO CONSIDER RESOLUTION OF PUBLIC USE AND NECESSITY FOR ACQUISITION OF EASEMENTS ON TWO PROPERTIES (APN 312-010-38 AND 312-430-01) FOR CONSTRUCTION OF W. FLORADORA AND N. POLK AVENUES, LOCATED IN DISTRICT 3

1. * RESOLUTION - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF THE TWO EASEMENTS FOR THE CONSTRUCTION OF PORTIONS OF W. FLORADORA AND N. POLK AVENUES AS A DEVELOPMENT REQUIREMENT OF UGM TRACT NO. 5051

(CONTINUED FROM EARLIER)

Proceedings continued. City Attorney Montoy advised this was an issue of due process and not one of leniency to property owners as stated by Mr. McCaffrey or to the developers; clarified the law provided for due process and she was recommending a continuance due to the property owners' request; relative to the noticing issue advised two notices were sent out -- one duly noticed for this date as required by law and a second permissive notice sent in the same envelope which she stated could lead to an ambiguity on behalf of the property owners noting it allowed a 15 day time period to submit written opposition which would expire after today; and advised she was still recommending a continuance. Upon question of President Perea, Ms. Montoy stated continuing the hearing to Thursday would meet the noticing requirements but would not afford all the property owners who wanted to be here the opportunity to be here as they would not be available until September 24th, and relative to the detriment of a continuance advised any unresolved issues could create delays down the road in court. Councilmember Ronquillo anyone could still submit written objections up until tomorrow and spoke in support of **(6 - 0)** and made a motion to hear testimony this date and continue the hearing to Thursday, August 29th. President Perea recommended the entire hearing be continued (which was accepted by Councilmember Ronquillo) and seconded the motion. Councilmember Calhoun stated this was short notice and he would be unavailable Thursday, and stated he disagreed with the process, recused himself from the proceedings, and left the meeting at 12:38 p.m.

Mr. Simonian reiterated there were still property owners who were not noticed at all with Ms. Montoy stating notice was afforded as required by law.

On motion of Councilmember Ronquillo, seconded by President Perea, duly carried, RESOLVED, the hearing to consider adoption of a resolution of public use and necessity for acquisition of easements on two properties for construction of W. Floradora and N. Polk Avenue continued to Thursday, August 29, 2002, at 10:00 a.m., by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None
Recused	:	Calhoun

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LUNCH RECESS - 12:40 P.M. - 2:04 P.M.

(10:45 A.M.) HEARING ON PLAN AMENDMENT NO. A-02-005 AND REZONING APPLICATION NO. R-02-006, FILED BY MARGARET JENSEN, 10 ACRES LOCATED ON THE NORTHWEST CORNER OF N. WEST AND W. HERNDON AVENUES, LOCATED IN DISTRICT 2 (REQUEST BY APPLICANT TO CONTINUE TO 2:00 P.M.)

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-02-005, R-02-006, C-02-034, V-0-11

2. RESOLUTION NO. 2002-282 - AMENDING THE BULLARD COMMUNITY

3. BILL NO. B-47 - ORDINANCE NO. 2002-46 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FORM C-P/EA/UGM TO R-1/EA/UGM/cz AND C-1/EA/UGM/cz

(CONTINUED FROM EARLIER IN THE MEETING)

President Perea announced the time had arrived to consider the issue and reopened the hearing.

Speaking to the issue were: Dirk Poeschel, 2310 Tulare Street, on behalf of applicant A & B Development, who reviewed the issue and project at length and submitted written material, on file in the office of the City Clerk; Ron Kenan, 2069 W. Fir, support for the project; Tom Ronka, Project Developer; John Rowland, Peters Engineering, Clovis, who spoke to the traffic study conducted for the project and submitted a written analysis, on file in the office of the City Clerk; property owner Roger Jensen, 7585 N. Charles, support; Chris (last name inaudible), Longs Drugs in-house architect, representing several owners and tenants of the shopping center across West Avenue, opposed, and who requested a continuance to further discuss the negative impacts; and Georgienna Vivien, Vice President, VRPA Technologies, who spoke to a traffic study conducted and the negative impacts.

Upon call, no one else wished to be heard and President Perea closed the hearing.

Councilmember Calhoun spoke in support stating a number of modifications were made to meet neighbors' needs, this was a good mixed-use project that made sense, and competition was healthy; noted traffic would always be an issue and spoke to the Herndon widening and signal synchronization projects; and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

Upon the request of President Perea, Transportation Manager Madewell addressed the traffic issues raised by VRPA.

Lengthy discussion ensued with City Attorney Montoy, Ms. Vivien, Mr. Madewell, Mr. Rowland, Planning Manager Haro, Mr. Poeschel, and Planning and Development Director Yovino responding to questions and comments of Councilmember Boyajian and President Perea and/or clarifying issues relative to the Herndon/Brawley shopping center project including the EIR, cumulative impacts, and the traffic study, the current office use and mitigation measures, **(7 - 0)** if the current site zoning was best for Herndon, if the widening project would mitigate traffic impacts, AM/PM peaks, funding source to mitigate Herndon traffic impacts and what the mitigation measures would be, numbers given by VRPA being 2025 numbers, when the Herndon/West intersection would fail, grading of that intersection, if office use had less impact than mixed-use, if competition versus governmental regulation came into play, air quality and if there were any discussions on voluntary compliance with the drive-thru component, impact to the project if the drive-thru was eliminated, if the drive-thru hours would be limited, what is needed to eliminate future drive-thrus, when the drive-thru issue would be scheduled on the agenda, if competition was a factor, the proposed mixed-use being a benefit, how more traffic is generated with office-use versus mixed-use, and the need for developers to pay impact fees.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-02-05, R-02-06, V-02-11, C-02-34 dated July 14, 2002, hereby approved; the above entitled Resolution No. 2002-282 hereby adopted; and the above entitled Bill No. B-47 adopted as ordinance No. 2002-46, subject to the recordation of a covenant guaranteeing the Conditions of Approval, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(11:30 A.M.) HEARING TO CONSIDER A RESOLUTION CONSENTING TO EMINENT DOMAIN PROCEEDINGS BY QUASI-PUBLIC ENTITY AND PUBLIC USE AND NECESSITY FOR ACQUISITION FOR CEMETERY PURPOSES BY BELMONT MEMORIAL PARK CORP. OF FEE TITLE TO CERTAIN REAL PROPERTY OWNED BY BELMONT ASSOCIATES, LTD. (APN 458-020-07, 458-020-43 AND 458-020-49), AND CERTAIN REAL PROPERTY OWNED BY BELMONT VAULT AND MEMORIAL COMPANY (APN 458-020-53)
1. * RESOLUTION - DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE ACQUISITION BY BELMONT MEMORIAL PARK CORPORATION OF THE APNs FOR CEMETERY PURPOSES (DENIED)

President Perea announced the time had arrived to consider the issue and opened the hearing.

Planning and Development Director Yovino gave a brief overview of the issue as contained in the staff report as submitted, noted the City Attorney had stated the request of the cemetery (Belmont Memorial Park) to exercise the powers of eminent domain could be made to Council given the information presented, and advised there was no staff position on whether to grant the request or not.

Attorney Jim McKelvey, 1690 W. Shaw, representing Belmont Memorial Park Cemetery Corp., distributed written material for the record, copies of which are on file in the office of the City Clerk, and reviewed the issue at length and spoke in support of the request stating the findings could be made.

City Attorney Montoy noted State law allowed the cemetery to condemn property with the consent of Council; stated the material submitted by Mr. McKelvey included all the requirements that were made of his client; and stated this was an unusual proceeding and for that reason staff was not recommending approval or disapproval and were allowing the process to proceed for a determination by Council.

Doug Jensen, representing the property owner, Belmont Vault and Memorial Company, spoke in opposition to the request stating this was a landlord/tenant dispute and the findings could not be made and explained.

Barbara Hunt, 2475 S. Walnut, spoke to the issue.

Upon call, no one else wished to be heard and President Perea closed the public hearing.

Discussion ensued with Ms. Montoy, Mr. McKelvey, Mr. Jensen, and Assistant City Attorney Avila responding to questions/comments of Councilmember Boyajian and President Perea and/or clarifying issues relative to **(8 - 0)** the findings that had to be met, if the City of Fresno had to make the findings, if the cemetery was saying the city would be harmed, why the City needed to be involved, Mr. McKelvey clarifying Council's consent was needed to take the matter to court, if this was the cemetery's issue more than the City's, Mr. Jensen speaking to the findings and stating there was no public necessity, Mr. Avila clarifying what the law required with the findings, and if this was a money issue/price disagreement between the parties. President Perea stated this was a cemetery and the fact that people were buried there needed to be respected, and made a motion to table the matter three/four weeks to allow the parties to try to work out their issues.

A motion of President Perea, seconded by Acting President Castillo, to table the matter four weeks failed, by the following vote:

Ayes	:	Castillo, Perea
Noes	:	Boyajian, Calhoun, Duncan, Quintero, Ronquillo
Absent	:	None

Upon question of Councilmember Ronquillo, Ms. Montoy stated no access on Teilman could be a legal issue since it was a public street, whereupon Councilmember Ronquillo stated he did not support Teilman being a negotiating issue and being leveraged for business purposes and he wanted access on Teilman a condition.

On motion of Councilmember Calhoun, seconded by Councilmember Ronquillo, duly carried, RESOLVED, the above entitled Resolution consenting to condemnation by Belmont Memorial Park *denied*, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

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(5-B) DISCUSSION AND DIRECTION REGARDING THE POLICE DEPARTMENT'S ROLE IN THE PARKS AND RECREATION DEPARTMENT - COUNCILMEMBER CALHOUN

Councilmember Calhoun noted the issue had been played out in the media and he felt it was time for Council consideration; stated keeping the city's parks safe was a legitimate issue raised by the Mayor but he felt the issue was structured incorrectly stating safety was one issue but the police department should not be in the charge of day-to-day operations/management/decision making, and placed the following motions on the floor: **(1)** Request the City Manager limit the role of the Police Department to assisting with a Parks Department assessment to include a safety-related plan to keep our parks safe (which motion was seconded by Councilmember Duncan "for discussion purposes"); and **(2)** Request the City Manager to conduct a nation-wide search for a new Parks and Recreation Director and include funding in the FY 2004 budget for an outside contracted firm to prepare a comprehensive/long-range parks plan to meet the needs of the City of Fresno (which was seconded by Councilmember Duncan "for discussion purposes"). Councilmember Calhoun referenced and presented the City of San Jose's comprehensive long-range parks plan document stating this was the type of plan Fresno needed for the future.

Mayor Autry stated the common bond shared by parks and recreation (P&R) and the police was why he was proposing the police department touch P&R in some way and ultimately overlap and inter-connect; stressed Fresno was facing a confluence of problems and issues that were going to create another assault on the city's parks and explained; spoke in support of a police assessment of the P&R department and to the options that could come out of that assessment; stated he was committed to a police and P&R connection that would give the people safe parks and a strong relationship with youth programs; and stressed the City needed to face the facts or lose again without the police/P&R connection.

Speaking to the issue and/or to the motions on the floor were: Barbara Hunt, 2475 S. Walnut; Bob Belcher, 1433 W. Gettysburg, Retired Parks Manager; Gloria Torrez; Harlan Kelly, 3378 W. Kearney Boulevard; and Mary Brown, Chair, West Fresno Neighborhood Association.

Extensive discussion ensued with Councilmember Ronquillo **(9 - 0)** speaking the issues of crime in parks and the need for professionals to operate parks; Councilmember Duncan stating his support for the concept of police and parks as people oriented, stating his concern and non-support of the police department maintaining parks, stating Zoo problems were a business management issue and not a people or safety issue, expressing his support for an analysis on the recreational aspect only, reiterating he seconded the motions for discussion but could not support them and would make a substitute motion to (1) direct the police department to conduct an assessment of recreational programs, (2) have public works conduct an assessment of the parks and median island maintenance, and (3) request the Zoo be transferred to the control of the city manager/deputy city manager *if* the other motions fail; Acting President Castillo speaking to the issue of safety and security at parks, expressing concern and stating he did not understand the need for a study to say more police were necessary for safety and questioned why direction just could not be given for more police presence at parks, and stating he felt there were not enough police to respond to constituents calls yet infusing them into the parks department was being looked at which would further spread police resources even thinner; Mayor Autry responding to comments stating all concerns and issues would be addressed in the assessment; Acting President Castillo further commenting stating he wanted to see more police officers on the street come out of this and direction given to the police department to visit parks on an on-going basis; and City Manager Hobbs speaking to the assessment stating he wanted to see the same powerful review come out of P&R.

Further discussion ensued with Councilmembers Boyajian, Calhoun, Ronquillo, Quintero and President Perea commenting and presenting questions relative to criteria for department heads, the motions on the floor, what the outcome was of staff's talks with Council on the assessment, if there was anything in the motions the City was not already doing, how the motions related to the Charter, the City Attorney's opinion to not have police personnel conduct the assessment -- only the safety aspect with parks, Councilmember Calhoun speaking to the intent of and clarifying his motions (**10 - 0**), the authority of the city manager to conduct a national search or not, Mr. Hobbs stating he would not agree to anything that would erode his executive authority under the Charter, the self assessment conducted by Parks, why an assessment was even needed for crime in parks, why a police-conducted assessment was preferred over an outside consultant, actual crime statistics in parks and if there really was a crisis, Council supporting the police department taking care of its own department and not other aspects of P&R, the search for the new P&R director, number of police officers and number of positions filled, giving the Police Chief the tools needed to backfill positions, and the additional new offices being able to address crime issues.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Manager requested to limit the role of the Police Department to assisting with a Parks & Recreation Department assessment to include a safety-related plan to keep city parks safe, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City Manager requested to conduct a nation-wide search for a new Parks and Recreation Director and include funding in the FY 2004 budget for an outside contracted firm to prepare a comprehensive/long-range plan to meet the needs of the City of Fresno, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Quintero, Ronquillo, Perea
Noes	:	Duncan
Absent	:	None

Mayor Autry spoke briefly to the finality of the budget process and commended Council, and President Perea commended the Mayor for his leadership.

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(2:00 P.M. #2) CONTESTED CONSENT CALENDAR:

(1-M) APPROVE LANDLORD CONSENT AND WAIVER FOR CCA SILBAND/GOLFCORP., OPERATOR OF AIRWAYS GOLF COURSE, TO ENTER INTO NEW LENDER AGREEMENT FOR AIRWAYS GOLF COURSE

Laid over to September 17, 2002.

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(2:40 P.M.) COUNCIL CONSIDERATION OF THE HISTORIC PRESERVATION COMMISSION’S REVIEW OF THE P.G. & E. PROJECT (ORANGE/CALIFORNIA OFFICE/CORPORATION YARD RECONSTRUCTION) AND AFFIRMATION OF THE DEVELOPMENT DEPARTMENT’S APPROVAL OF THE PROJECT CONDITIONED ON A HISTORIC RESOURCE RECORDATION SURVEY - PRESIDENT PEREA

Upon question of President Perea, City Attorney Montoy clarified the CUP noted in the staff report was already approved and not an issue this date, and clarified the only issue before Council was whether the buildings should be deemed historical structures or not.

Planning Manager Beach gave an overview of the issue as contained in the staff report as submitted and along with Ms. Montoy and Historic Preservation Manager Hattersley-Drayton responded to questions of President Perea relative to why the matter was before Council since the Historic Preservation Commission (HPC) took no position and why they did not take a position.

Speaking to the issue were: Jeannette Jurkovich, Historic Preservation Commission, who explained why the issue was brought to Council; Barbara Hunt, 2475 S. Walnut; and Harland Kelly, 3378 W. Kearney Boulevard, who stated there was nothing historical about the buildings.

An unidentified P.G. & E. representative, Ms. Jurkovich and Ms. Montoy responded to questions of Councilmember Boyajian and/or clarified issues relative to the status and nature of the project, if new jobs would be generated, P.G. & E.’s need to demolish the buildings, if there was any alternative to demolishing the buildings, if the HPC was asking Council to stop the project, if any of the buildings were historic or registered, if the city attorney had reviewed the matter, and need for Council to decide whether the buildings were historical structures.

Councilmember Ronquillo commented on the issue and to the \$30 million investment being made by P.G.& E., and made to a motion to not designate the structures historic, which motion was seconded and acted upon after brief comments. Acting President Castillo stated he found the integrity of the Historic Preservation Ordinance was not there after his close review of the buildings. Councilmember Duncan concurred, spoke in support of the new project, and pointed out the HPC yielded to Council to make a decision.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the P.G. & E. buildings not designated historic structures, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(2:45 P.M.) APPROVE AMENDED INTERIM STAND ALONE TAX SHARING AGREEMENT BETWEEN THE CITY OF FRESNO AND FRESNO COUNTY FOR ANNEXATION OF CERTAIN TERRITORY KNOWN AS “COPPER RIVER RANCH”

A motion and second was made to approve the agreement **(11 - 0)**.

Barbara Hunt, 2475 S. Walnut, spoke in opposition. Acting President Castillo briefly left the dais at 5:59 p.m.

On motion of Councilmember Duncan, seconded by Councilmember Quintero, duly carried, RESOLVED, the Amended Interim Stand Alone Tax Sharing Agreement between the City of Fresno and Fresno County for annexation of certain territory known as “Copper River Ranch” hereby approved, subject to prior approval by Fresno County and final review by the City Attorney, by the following vote:

Ayes	:	Calhoun, Duncan, Quintero, Ronquillo, Perea
Noes	:	Boyajian
Absent	:	Castillo

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(3:00 P.M.) CONSIDER REQUEST FROM FOUNDRY PARK DEVELOPERS TO RESCIND PREVIOUS AGREEMENT FOR DEVELOPMENT CONTRIBUTION IN THE AMOUNT OF \$154,845 FOR LOCAL MATCH REQUIREMENT TO OBTAIN GRANT FUNDING FOR OFF-SITE STREET IMPROVEMENTS - COUNCILMEMBER RONQUILLO

1. RESOLUTION NO. 2002-283 - WAIVING THE LOCAL MATCH REQUIREMENT

Acting President Castillo returned to the meeting at 6:01 p.m.

Dave Brode, 245 W. Garland, representing Foundry Park, advised three dates that were important to the understanding of the problem relative to the bond funds and traffic signal appropriation were left out of the chronology of events in the staff report and explained; reiterated and expanded on issues relative to the matching fund obligation, how the obligation could not be paid from bonds, the special tax consultant’s report with *estimated* costs, and the developer being told by the then public works director the match would be funded by other city funds; and requested Council eliminate the \$154k “cloud hanging over the project” and spoke briefly to the project and their investment.

Interim Public Works Director Owens clarified had Mr. Brode not committed by letter to the matching funds the improvement project would not have moved forward and explained, and advised in his three conversations with ex-public works director Salazar Mr. Salazar denied ever saying the City did not need the matching funds.

Councilmember Ronquillo spoke to the project and compared the developer’s total build out investment to the \$154k; stated it would be wise for the City to assist and go a little further than what was planned on and explained; and urged Council to waive the local match requirement and made a motion to adopt the above resolution, which motion was seconded by Councilmember Duncan and acted upon after discussion.

Councilmember Calhoun spoke in opposition stating he appreciated the benefit of the project but an agreement was made and he did not appreciate the City being asked for the funds this late in the game. Councilmember Duncan questioned if there was a written agreement stating he saw letters but no formal agreement; pointed out there was disagreement over what was said; and stated the fact of an obligation had not been clarified. City Attorney Montoy stated letter agreements were binding and the City relied on that, and added her office was working with departments to insure that if there ever is an agreement in the future that the City is relying on that it be a formal agreement.

City Manager Hobbs stated he was very troubled with the issue; clarified the developer signed a letter agreeing to reimburse the City \$154k towards a matching portion of a \$1.3 million State Transportation grant; concurred the grant benefitted the City and developer but stressed the key point was the project would *not* have been initiated had it not been for the developer's commitment and reimbursement promise; and stated he had to go with what the City had in writing and not get sidetracked with other information or facts that were put on the table.

On motion of Councilmember Ronquillo, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled Resolution No. 2002-283 hereby adopted, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	Calhoun
Absent	:	None

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(5-C) REQUEST FOR RECONSIDERATION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH RRM DESIGN GROUP CONSULTANT ARCHITECT/ENGINEERS FOR THE DESIGN OF FIRE STATION NO. 21 LOCATED AT MAPLE AND INTERNATIONAL AVENUES - PRESIDENT PEREA

President Perea advised he brought the issue back as several members had an opportunity to meet with RRM after the fact, stated had Council had a little more information on RRM's expertise the decision to reject the bid and direct staff to look at local architects may not have occurred, and made a motion to approve the agreement.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, a professional services agreement with RRM Design Group in the amount of \$219,834 hereby approved, and the City Manager or designee authorized to execute the agreement on behalf of the City, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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(3:30 P.M.) REVIEW THE INITIAL REPORT PREPARED BY THE INTERAGENCY TASK FORCE RELATING TO THE DEVELOPMENT OF A MASTER PLANNED COMMUNITY IN THE SOUTHWEST AREA (COUNCIL DISTRICT 3), INCLUDING AFFORDABLE HOUSING AND RECREATIONAL FACILITIES - COUNCILMEMBERS RONQUILLO AND BOYAJIAN

1. APPROVE RELATED EXCLUSIVE NEGOTIATING AGREEMENT BETWEEN THE CITY OF FRESNO AND CYPRESS INVESTMENT CORPORATION

Councilmembers Ronquillo and Boyajian gave a brief overview stating this was an exciting project with quality people, commended the developer for his vision and investment to the area, and made a motion to approve the exclusive negotiating agreement.

HECD Director Burkhardt and HCD Director Hussman reviewed the project and housing portion of the project, all as contained in the staff report as submitted..

Development team members speaking further to the project and to the golf course plan were: Tom O'Meara, President, Cypress Investment Corp., and Paul Pugh, Petrinovich Pugh & Co.

Speaking in support of the project were: Barbara Hunt, 2475 S. Walnut; Harland Kelly, 3378 W. Kearney Boulevard; Noel Smith, 3161 W. Kearney Boulevard; LaVera Williams, 3017 W. Kearney Boulevard; and Keith Kelley.

(12 - 0) Councilmembers spoke in strong support project and commended the developer and development team for their investment, vision and commitment, and Mr. O'Meara responded briefly to questions relative to the project's timeline.

On motion of Councilmember Ronquillo, seconded by Councilmember Boyajian, duly carried, RESOLVED, the Exclusive Negotiating Agreement (ENA) with Cypress Investment Corporation hereby approved, and the City Manager or designee authorized to sign the ENA as presented, including any minor revisions made by the City Attorney's Office, by the following vote:

Ayes	:	Boyajian, Calhoun, Castillo, Duncan, Quintero, Ronquillo, Perea
Noes	:	None
Absent	:	None

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Councilmember Ronquillo left at 6:54 p.m. and was absent for the remainder of the meeting.

(5-D) REQUEST CITY MANAGER LOOK INTO ALTERNATIVE FINANCIAL OPTIONS FOR LOW-INTEREST LOANS, I.E., THE INFRASTRUCTURE BANK OR OTHER AGENCIES, TO PROCURE FUNDS TO FINANCE PUBLIC WORKS PROJECTS - COUNCILMEMBER BOYAJIAN

1. REQUEST STATUS REPORT ON PRIOR COUNCIL DIRECTION REGARDING A FULL-TIME GRANT WRITER FOR THE PUBLIC WORKS DEPARTMENT

Briefly reviewed by Councilmember Boyajian who stated alternative financial options were needed to fund inner-city infrastructure needs and stabilize neighborhoods, and made a motion to approve his request, which motion was seconded and acted upon after brief discussion.

City Manager Hobbs and Interim Public Works Director Owens responded to questions/comments of President Perea and Councilmembers Boyajian and Duncan relative to when staff would be reporting back on the issue (with Mr. Hobbs stating 30 days), Mr. Owens advising staff was in the recruitment process for the grant writer and the grant writer was expected to be on board in 60 days, Councilmember Duncan recommending a workshop on the issue be scheduled with the new members in January to educate them, and Councilmember Boyajian recommending the Council Budget Committee start looking in February or March at priorities and on how to spend public works money.

Councilmember Calhoun expressed concern with micro-managing projects; stated he was very unhappy that one project in his district was defunded this year and would cost more next year; advised he was also concerned about anything that would incur interest and this needed to be thought through in a broader context; and stated somehow Council got on the bandwagon that public works was something that only funded neighborhood projects and he was willing to discuss that issue at any time.

On motion of Councilmember Boyajian, seconded by President Perea, duly carried, RESOLVED, the City Manager requested to look into alternative financial options for low-interest loans, i.e., the infrastructure bank or other agencies, to procure funds to finance public works projects, by the following vote:

Ayes	:	Boyajian, Castillo, Duncan, Quintero, Perea
Noes	:	Calhoun
Absent	:	Ronquillo

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(4:00 P.M.) ACCEPT REPORT TO COUNCIL AND PROVIDE DIRECTION REGARDING THE SUMMARY OF RESULTS OF THE SIGN ORDINANCE COMMITTEE MEETINGS

Councilmember Duncan recused himself from the proceedings due to a conflict of interest, left at 7:03 p.m. and was absent for the remainder of the meeting.

President Perea recommended the matter be continued and by Council consensus the matter was continued to September 17, 2002, at 9:00 a.m.

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COUNCIL VACATION/MEETING SCHEDULE - COUNCILMEMBER CALHOUN

Councilmember Calhoun stated he was in support of the July and August vacation dates but did not understand the need for the two week vacation in September, with President Perea acknowledging on the need to meet due to the volume of business and lengthy meetings. Brief discussion ensued.

On motion of President Perea, seconded by Councilmember Calhoun, duly carried, RESOLVED, a Council meeting to be held on September 10, 2002, by the following vote:

Ayes	:	Calhoun, Castillo, Perea
Noes	:	Boyajian, Quintero
Absent	:	Duncan, Ronquillo

(*Note - The matter was reconsidered on August 29, 2002, and action was taken to not meet on September 10th)

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(2:00 P.M. #1) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL - DECIDING WHETHER TO INITIATE LITIGATION - CASE NAME: ONE POTENTIAL CASE, CAME NAME UNSPECIFIED. DISCLOSURE OF TITLE WOULD JEOPARDIZE ABILITY TO EFFECTUATE SERVICE OF PROCESS

(B) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:

1. BLACKSTONE VENTURE I, BLACKSTONE VENTURE II, RIVER PARK PROPERTIES, RIVER PARK PROPERTIES II, RIVER PARK PROPERTIES III, RIVER PARK PROPERTIES IV, PARK 41, AND BOMBAY CORPORATION V. CITY OF FRESNO
2. CITY OF FRESNO V, COUNTY OF FRESNO, LAFCO AND CITY OF CLOVIS
3. KEVIN HAM V. CITY OF FRESNO CIVIL SERVICE BOARD, ET AL.
4. MICHAEL J. RHODES, ET AL. V. CITY OF FRESNO, ET AL.

(C) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - COUNCILMEMBER CALHOUN

1. CITY ATTORNEY
2. CITY CLERK

(D) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATION: INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW)

Continued to Thursday, August 29, 2002.

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ADJOURNMENT

There being no further business to bring before the Council, the hour of 7:06 p.m. having arrived and hearing no objections, President Perea continued the meeting to Thursday, August 29, 2002, at 10:00 a.m..

APPROVED on the 17th day of September, 2002.

Henry Perea, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk

140-102

8/27/02